

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN SEMICONDUCTOR TIMING SIGNAL
GENERATOR DEVICES, COMPONENTS
THEREOF, AND PRODUCTS CONTAINING SAME**

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) Inv. No. 337-TA-465
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CLAIM 6 OF U.S.
LETTERS PATENT 5,703,537**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the above-captioned investigation as to claim 6 of U.S. Letters Patent 5,703,537.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3012. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: On December 7, 2001, the Commission instituted the above-captioned investigation based on a complaint filed by Integrated Circuit Systems, Inc. ("ICS") against respondent Cypress Semiconductor Corp. ("Cypress") alleging violations of section 337 in the importation into the United States, sale for importation, and sale after importation of certain semiconductor timing signal generator devices, components thereof, and products containing same, by

reason of infringement of claim 9 of U.S. Letters Patent 5,036,216 and claim 6 of U.S. Letters Patent 5,703,537 (“the '537 patent”). 66 *Fed. Reg.* 63559 (2001). On January 22, 2002, the ALJ consolidated the investigation with *Certain Power-Saving Integrated Circuits and Products Containing Same*, Inv. No. 337-TA-463. ALJ Order No. 3.

On March 27, 2002, ICS moved to terminate the consolidated investigation in part as to all allegations relating to claim 6 of the '537 patent, the sole asserted claim of that patent, based on the withdrawal of the allegations. On April 8, 2002, the Commission investigative attorney responded stating that he did not oppose the motion. Also on April 8, 2002, Cypress opposed the motion to the extent that the motion requested termination of the investigation “without prejudice.” Cypress requested that the ALJ enter an order prohibiting ICS from bringing any further claims against Cypress based on the '537 patent. On April 9, 2002, ICS moved for leave to reply with attached reply. On April 16, 2002, the ALJ issued the subject ID (ALJ Order No. 8) granting ICS's motion to terminate the investigation as to claim 6 of the '537 patent. No party petitioned for review of the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: May 2, 2002